

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

VICTORIA P. MAGANA, an
individual,

Plaintiff,

v.

WELLS FARGO BANK, N.A.; LSI TITLE
COMPANY, a California
Corporation; and NDEX WEST LLC, a
Delaware limited liability
corporation,

Defendants.

No. C 11-03993 CW

ORDER DISMISSING
CASE FOR FAILURE
TO PROSECUTE AND
LIFTING
PRELIMINARY
INJUNCTION

On September 9, 2011, Defendant Wells Fargo filed a motion to dismiss Plaintiff Victoria P. Magana's complaint in its entirety and a motion to strike portions of the complaint.¹ On September 21, 2011, Defendant NDEX West LLC joined Defendant Wells Fargo's motions. On October 18, 2011, the Court directed Plaintiff to file her opposition to these motions by November 17, 2011. At that time, the Court warned that Plaintiff's failure to file an opposition to these motions would result in dismissal of the case for failure to prosecute.

On October 28, 2011, following Plaintiff's submission of proof of timely payment of a bond, the Court entered a preliminary injunction preventing Defendants from proceeding with a trustee's sale of property located at 1113 Remington Court in Sunnyvale,

¹ Plaintiff previously voluntarily dismissed her claims against Defendant LSI Title Company. (Docket No. 14.)

1 California, until the resolution of this case or further court
2 order.

3 Plaintiff has not filed an opposition to Defendants' motions
4 to dismiss and to strike. Accordingly, the case is dismissed
5 without prejudice for failure to prosecute and the preliminary
6 injunction is lifted.

7 IT IS SO ORDERED.

8 Dated: 11/22/2011


CLAUDIA WILKEN
United States District Judge

United States District Court
For the Northern District of California